

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DEONTRAE JACKSON,	:	CASE NO. 1:14-CV-00393
	:	
Plaintiff,	:	(Chief Judge Conner)
v.	:	
	:	
JONATHAN CONFER and THOMAS	:	
MASE,	:	(Magistrate Judge Schwab)
Defendants.	:	

**REPORT AND RECOMMENDATION**

In this civil rights action, the *pro se* plaintiff, Deontrae Jackson (“Jackson”), a state prisoner, has filed a request to voluntarily withdraw his complaint. *Doc.* 8. According to Jackson, he no longer wants to proceed with this action because he cannot afford to have the filing fee deducted from his prisoner account in accordance with the *in forma pauperis* statute – 28 U.S.C. § 1915. *See id.*<sup>1</sup> In light of Jackson’s request, I recommend that this action be deemed voluntarily dismissed. I further recommend that: (1) Jackson’s second motion to proceed *in forma pauperis* (*Doc.* 5) be granted while his first *in forma pauperis* motion (*Doc.* 2) be denied as moot; and (2) his request to have the already deducted fees returned to him be denied.

In light of these recommendations, the parties are placed on notice that pursuant to Local Rule 72.3:

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<sup>1</sup> Recently, my order denying Jackson’s motion to appoint counsel was also returned as undeliverable. *Doc.* 10.

Any party may object to a magistrate judge's proposed findings, recommendations or report addressing a motion or matter described in 28 U.S.C. § 636 (b)(1)(B) or making a recommendation for the disposition of a prisoner case or a habeas corpus petition within fourteen (14) days after being served with a copy thereof. Such party shall file with the clerk of court, and serve on the magistrate judge and all parties, written objections which shall specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for such objections. The briefing requirements set forth in Local Rule 72.2 shall apply. A judge shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge, however, need conduct a new hearing only in his or her discretion or where required by law, and may consider the record developed before the magistrate judge, making his or her own determination on the basis of that record. The judge may also receive further evidence, recall witnesses or recommit the matter to the magistrate judge with instructions.

Failure to file timely objections to the foregoing Report and Recommendation may constitute a waiver of any appellate rights.

Submitted this 21st day of July, 2014.

*S/Susan E. Schwab*

Susan E. Schwab

United States Magistrate Judge